

Applicants : Ann Marie Schmidt, et al.
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REMARKS

Claims 17, 19, 20, 35 and 40-43 are pending in the subject application. Claim 17 has been amended and claim 40 has been canceled herein. No claims have been added. Applicants maintain that the amendment to claim 17 does not raise any issue of new matter. Accordingly, upon entry of this Amendment, claims 17, 19, 20, 35 and 41-43 will be pending and under examination.

February 10, 2006 Examiner's Interview

Applicants wish to thank the Examiner for his time and consideration during the telephonic interview with Alan J. Morrison, applicants' undersigned attorney. During the interview, the outstanding obviousness rejection was discussed. Applicants respectfully direct the Examiner's attention to the remarks below in that regard, and maintain that the rejection is obviated and should be withdrawn.

Double Patenting Rejection

The Examiner provisionally rejected claims 17, 19, 20 and 40 on the ground of nonstatutory obviousness-type double patenting as allegedly unpatentable over claims 57-60 and 76-78 of copending U.S. Serial No. 09/689,469.

Specifically, the Examiner alleges that even though the

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conflicting claims are not identical, they are not patentably distinct.

In response, but without conceding the correctness of the Examiner's position, applicants will consider filing a terminal disclaimer once the rejection is no longer provisional.

Rejection under 35 U.S.C. §103(a)

The Examiner rejected claims 17, 19, 20 and 40 under 35 U.S.C. §103(a) as allegedly obvious over Gehlsen, et al. ("Gehlsen"), in view of Hori, et al. ("Hori") and Miki, et al. ("Miki").

Specifically, the Examiner alleges that Gehlsen teaches a method for evaluating tumor invasion but does not teach a method of evaluating the ability of an agent that inhibits tumor cell spreading by inhibiting the interaction between RAGE on tumor cells and amphoterin. The Examiner further alleges that Hori teaches that RAGE is the cellular binding site for amphoterin, and that binding between RAGE and amphoterin is inhibited by sRAGE. The Examiner further alleges that Miki teaches that tumor cells inherently express RAGE, which is associated with cellular growth.

In response to the Examiner's rejection, applicants respectfully traverse.

In order for a claim to be properly rejected as obvious under 35

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U.S.C. §103(a), the cited references, when taken together, must teach or suggest all the elements thereof, and create both a motive to combine and a reasonable expectation of success. Gehlsen, in view of Hori and Miki, fails to do this.

Applicants note that the claims, as amended, provide a method for evaluating the ability of an agent to inhibit tumor cell spreading. This method comprises, in part, admixing with cell culture media an agent known to inhibit interaction between a tumor cell which expresses RAGE and an extracellular matrix molecule selected from a cadherin, an integrin and a hyaluronic acid. Applicants also note that "amphoterin" is not recited in the claims.

Applicants maintain that the cited references combined fail to teach all elements of the amended claims. Moreover, in support of the non-obviousness of the claimed invention, applicants note that the Examiner has indicated that claims 41-43 would be allowable if not dependent on a rejected claim.

Accordingly, applicants maintain that the subject claims, as amended, are not obvious over Gehlsen in view of Hori and Miki, and therefore satisfy the requirements of 35 U.S.C. §103(a).

Claim Objections

The Examiner objected to claims 35 and 41-43 as dependent upon rejected base claim 17.

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In response, and without conceding the correctness of the Examiner's objection, applicants maintain that based on the above remarks, the subject matter of amended claim 17 is not obvious and the rejection of claim 17 should be withdrawn. Accordingly, the Examiner's objection to claims 35 and 41-43 as dependent upon a rejected base claim should likewise be withdrawn.

Summary

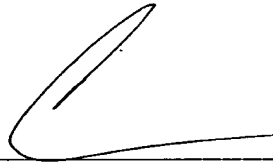
For the reasons set forth hereinabove, applicants respectfully request that all the claims of this application be allowed, and that the application proceed to issuance.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

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No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

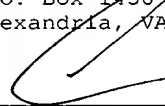
Respectfully submitted,



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3/1/06
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